



**SHREWSBURY CONSERVATION COMMISSION
SHREWSBURY, MASSACHUSETTS**

MINUTES

Regular Meeting: October 17, 2006 – 7:00 P.M.

Location: Selectmen's Hearing Room - Municipal Office Building

Present: John J. Ostrosky, Chairman
Robert P. Jacques, Vice-Chairman
Dorbert A. Thomas, Clerk
Patricia M. Banks
Kenneth F. Polito

Also Present: Brad Stone, Agent

Mr. Ostrosky opened the meeting at 7:00 P.M.

1. Review and Approve Minutes

The Conservation Commission approved the Minutes as follows:

August 15, 2006 – The Commission voted to approve the Minutes as submitted, asking Mr. Stone to re-word the Commission's vote and Decision for the RDA, for 489 Boston Turnpike.

Glenn Krevosky was at this meeting and the Commission told him that any further work for this project at 489 Boston Turnpike would require a Notice of Intent to be filed with the Commission. Mr. Krevosky said he understood.

September 12, 2006 – The Commission voted to approve as submitted.

2. Signed bills.

3. Meetings and Hearings – 7:05 P.M.

285-1414 Public Hearing regarding the Notice of intent filed by the Lake Quinsigamond Commission for the application of US EPA registered and state approved herbicides to manage aquatic weeds in Lake Quinsigamond and Flint Pond

See Notes in next hearing 285-1415 below.

285-1415 Public Hearing regarding the Notice of Intent filed by the Lake Quinsigamond Commission for the drawdown of Lake Quinsigamond and Flint Pond to manage aquatic weeds

Nancy Allen, Director of Board of Health, acting as advisor to the Lake Quinsigamond Commission on the drawdown project and the proposed herbicide project, attended the hearing.

Ms. Allen announced that the abutting towns of Shrewsbury and Grafton, and the city of Worcester, received notification yesterday from Division of Fisheries & Wildlife that NHESP has determined that the proposed project is located "within the actual habitat of *Potamogeton vaseyi* (A Pond Weed), an Endangered aquatic plant that is protected pursuant to the implementing regulations of the MA Endangered Species Act (MESA) (321 CMR 10.00)." She said they are therefore, asking for a continuance to the Commission's August 21, 2007 meeting, to resolve this issue.

Marguerite Cormier, 132 South Quinsigamond Avenue, asked who found this weed. Ms. Allen said it came out of a study of the area for new mapping and it was discovered.

The Commission, Ms. Allen, and Glenn Krevosky (from EBT, who was in attendance for another hearing) answered informational questions from the attending public.

Mr. Ostrosky continued the hearings to August 21, 2007.

(NOTE: The hearing for the drawdown 285-1415 was advertised and held on October 31, 2006. See Minutes for October 31, 2006.)

285-1410 Continued – Public Hearing regarding the Notice of Intent filed by Peter Collins for the demolition and construction of a house, driveway, retaining wall, landscaping, and utilities at 90 Lakeside Drive

Attending the hearing were Peter Collins – the homeowner; and Kevin Quinn – an engineer from Quinn Engineering.

Mr. Quinn submitted a landscaping plan to the Commission, which the homeowners just received on this date. He also discussed landscaping at the wall and submitted a plan to the Commission.

Mr. Quinn said the proposed wall is now 9 feet high and sits 4-5 feet back from the lake. He reviewed the sequence plan as it was listed on the plan.

Mr. Collins said there will be a dock, but they will come back with that; they will come back for amendment in the Spring.

Mr. Ostrosky officially closed the hearing.

285-1404 Continued – Public Hearing regarding the Notice of Intent filed by George Russell for the construction of an industrial subdivision at 455 Hartford Turnpike

Attending the hearing was Robert Murphy – the engineer from Robert G. Murphy Associates, Inc.

Mr. Murphy submitted additional information regarding Stormwater Management and the proposed construction sequence plan. He said they have to file for NPDES because they are proposing to clear more than one acre of land.

Mr. Murphy reviewed the plan with phases. He said they will collect drainage and contain it in a large sediment basin. He submitted erosion sediment control report (NPDES); and he reviewed it.

Mr. Murphy reviewed phase two and said there are no wetlands in phase two. Mr. Jacques commented that this plan and information needs to be reviewed and thinks the hearing needs to stay open along with Planning Board.

Mr. Stone commented that quickly looking at this new plan, there are still issues not being addressed as listed by the Planning Board and the Conservation Commission, after their lengthy meeting with him, Mr. Deononcourt, and Mr. Murphy.

Mr. Murphy asked for continuance. Mr. Ostrosky continued the hearing to November 21, 2006.

**285-1408 Public Hearing regarding the request for an Amended Order of Conditions
filed by Timothy Coghlin and Karen Philips for the construction of a swimming
pool at 94 Sewall Street**

Attending the hearing were Tim Coghlin and Karen Philips – the homeowners; and Steve Sears – an engineer from Ross Associates.

Mr. Sears said the homeowners have changed the design of the project to a kidney-shaped pool, retaining wall, and associated grading. He said a 3 to 3-1/2 foot block wall is to be used.

Mr. Ostrosky officially closed the hearing.

285-** Public Hearing regarding the Notice of Intent filed by S.J. Turnblom
Construction Corporation for the construction of a single family home at
119 Gulf Street**

Attending the hearing was Glenn Krevosky – the wetlands engineer.

Mr. Krevosky reviewed the site and commented that this area was reviewed by the Commission when Mr. Turnblom built the other two lots, including his own home. He said he would be available for a site walk to review the wetland system. He also commented that the brook was looked at when Gary Sweet did his house.

Mr. Stone said he was okay with calculations and wetland area. He asked if they checked the flood plain, as area may have been amended when the subdivision Summit Ridge was being planned by Blair Development. Mr. Krevosky said he did not look into that.

The Commission felt the lot line needs to be done and the flood plain issue needs to be addressed.

Mr. Ostrosky continued the hearing to November 21, 2006.

**RDA Public Meeting regarding the Request for Determination of Applicability filed
by Nathan Harris for the construction of a swimming pool and deck at 4
Baldwin Circle**

No representative attended the hearing. Mr. Stone briefly described the project. He said the deck will use sonar tubes; and work will be about 44-45 feet from the wetland area.

Mr. Ostrosky officially closed the meeting. The Commission voted to issue a negative determination.

**RDA Public Meeting regarding the Request for Determination of Applicability
filed by William Granger for the construction of a retaining wall at 24A Old
Faith Road**

Attending the hearing was Bill Granger, the homeowner. Mr. Granger said he wants to construct/repair a retaining wall. He said when he moved in to the home 22 years ago, he put one in; and now he needs to put a new retaining wall. He said it is just the removal of the old one and putting in a new one at the same; it will be a versilock wall.

Mr. Ostrosky officially closed the hearing.

**285-1373 Public Hearing regarding the request for an Amended Order of Conditions
filed by Ray & Kathy Brassard for the construction of a retaining wall and
site grading at 88 Old Faith Road**

Attending the hearing was Ray Brassard – the homeowner; and Kevin Quinn – an engineer from Quinn Engineering.

Mr. Quinn said Mr. Brassard has some concerns about some of the slopes on the property, so he wants to build a retaining wall and do some site work. He said the clearing is in the buffer zone. He commented that now that the homeowner has lived in the house for awhile, he realizes that he needs and would like a path to the lake.

Mr. Polito expressed concern about the request for the path; and said he feels this proposal is part of the original filing for the property.

Mr. Ostrosky officially closed the hearing.

**RDA Public Meeting the Request for Determination Applicability filed by Wahid and
Maureen Wassef for the construction of a swimming pool at 30 Morningside Drive**

Attending the hearing was Frank Ferrai from Aquascape Pool Designs, Inc. Mr. Ferrai said he is proposing to construct a pool. He said the closest point of the pool to the wetland line is 58 feet; and said no work will be done with 50 feet of the wetland area.

The Commission voted a negative determination subject to no fill to be brought on site and excavates will be brought off site.

**285-1416 Public Hearing regarding the Notice of Intent filed by Omar Reza for the filling
and grading within the buffer Zone, and restoration of wetland resource areas
at 0 & 24 Melody Lane and 0 South Street**

Attending the hearing were Scot Jordan – an engineer from EcoTec; and Kevin Quinn – the engineer from Quinn Engineering.

Mr. Jordan submitted new information (superceding).

Mr. Jordan said Mr. Reza, the new homeowner, hired people to do some work and in the process, the wetland area was disturbed. He said this filing is to do some restoration of the wetland resource area.

Mr. Jordan said it was also discovered he was doing some work in town property, which he is fully committed to restoring. He reviewed the plan. He said Mr. Reza would like to build a deck and sunroom.

Mrs. Thomas asked about plantings. Mr. Jordan said, after discussions with Mr. Stone, an Enforcement Order might be a good idea to start planting soon. He said they want to be done by mid-November.

Mr. Stone commented that an Enforcement Order can be put on the Town portion.

The Resident from 22 Melody Lane, expressed concern about the amount of fill and how it will effect her property in a major storm. Mr. Ostrosky said the Commission will be asking fill to be removed. Mr. Jordan estimated about a foot of fill was done.

Mr. Polito thought it should be taken back to the existing grade.

Mr. Ostrosky officially closed the hearing.

**285-1413 Public Hearing regarding the Notice of Intent filed by the Town of Shrewsbury
for the construction of a satellite fire station located at 365 Cherry Street**

Attending the hearing were Gerry LaFlamme – the Fire Chief; Brian Waterman – an engineer from Waterman Design; and Keith Murray – Waterman Design.

Mr. Waterman showed the wetland areas and the buffer areas, along with the erosion control line. He said the closest point of the building is about 88 feet; and fill is about 8 feet away.

Mr. LaFlamme said they want to start in November (2006). Mr. Jacques commented that winter stabilization can be a condition.

Mr. Stone said he is looking for revised plans showing Stormwater Management. Mr. Murray said he will get these to Mr. Stone.

Mr. Ostrosky officially closed the hearing.

4. New Business

**a. Discussed/Signed Draft Orders of Conditions and Requests for Determination
of Applicability**

285-1414	Lake Quinsigamond/Flint Pond herbicide treatment – continued
285-1415	Lake Quinsigamond/Flint Pond drawdown – continued
285-1410	90 Lakeside Drive – conditionally approved
285-1404	455 Hartford Turnpike – continued
285-1408	94 Sewall Street – conditionally approved
285-****	119 Gulf Street – continued
RDA	4 Baldwin Circle – Negative Determination

4. New Business (Cont'd)

a. Discussed/Signed Draft Orders of Conditions and Requests for Determination of Applicability (Cont'd)

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| RDA | 24A Old Faith Road – Negative Determination |
| 285-1373 | 88 Old Faith Road – conditionally approved with 4 to 1 Decision for fencing and path; Ken Polito voted against allowing a path all together |
| RDA | 30 Morningside Drive – Negative Determination |
| 285-1416 | 0 & 24 Melody Lane and 0 South Street – issue an Enforcement Order on the Town portion of the disturbance; and conditionally approved an Order of Conditions for the work on homeowner's property to fix disturbance |
| 285-1413 | 365 Cherry Street – conditionally approved |

- b. **Discussed/Signed Enforcement Order, 957 Boston Turnpike** – *The Commission unanimously voted to issue and handle under Enforcement Order.* Mr. Stone said they hired EcoTec to pull back fill with excavator to determine wetland area. After discussion, the Commission said to remove fill; and use silt fence and haybales for any erosion control. The Commission agreed to do work under an Enforcement Order with Mr. Stone monitoring and reporting to the Commission.

- c. **Discussed site work at 29 Grafton Circle** – *The Commission unanimously voted to issue an Enforcement Order.* Attending this discussion was Maureen and Kevin Jarvis – the homeowners; and Kevin Quinn – the engineer from Quinn Engineering.

Mr. Quinn said a pump station chamber was being removed; and they put in a retaining wall at that time. Mr. Stone described history of the site. He said the retaining wall goes beyond the haybale line, all within the Rivers Act.

There was discussion between Mr. Polito and Ms. Jarvis regarding the sitework that was done. Ms. Jarvis said they pulled the tank and then because of the possible danger, they put a wall. Mr. Jacques said the biggest problem is the Rivers Act. He commented that they also may need a restoration plan, and feels there should be a Cease and Desist issued.

Mr. Quinn said he would come back with a survey and plan. Mr. Polito expressed concern that the site is substantially different. Mr. Quinn said they can come back next month with more information.

The Commission agreed they would issue an Enforcement Order.

5. Old Business

a. **Discussed/Signed Certificates of Compliance** – Mr. Stone recommended that the Commission sign all of the requests

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|-----------------|---------------------------|
| 285-1303 | Lot 1 Brook Street |
| 285-1400 | 25 Bay View Drive |

5. Old Business (Cont'd)

a. Discussed/Signed Certificates of Compliance – Mr. Stone recommended that the Commission sign all of the requests (Cont'd)

285-1037 19 Willet Drive

285-1296 731-735 Boston Turnpike

285-1329 18 Ek Court

285-1229 34 Rockwell Drive

285-1395 Stone Meadow Farm replication area – Attending the discussion were David Donahue – the developer; and Glenn Krevosky – a wetlands engineer. Mr. Krevosky submitted photos of the area; and submitted some of his replication plan work. After some discussion Mr. Stone told Mr. Donahue to look into issuing the Certificate of Compliance with a condition that a passbook bond be placed for \$5,000. The Commission agreed and voted this request.

b. Discussed/Signed extension Permit Request

285-1051 495 Hartford Pike – Liberty Assembly of God – Mr. Stone said they are finishing up project – the Commission signed a one year extension

c. Discussed Projects Under Appeal

285-1308 550 South Street – Attending the discussion was John Grenier – the engineer from J.M. Grenier Associates, Inc. Mr. Grenier said this is for house construction. He said they received variances to move the house. He said it went through the many meetings with the court and state. Mr. Grenier read the decision of the Magistrate.

Mr. Grenier said the D.E.P. wants in writing that the Commission is not a party in settlement. He said their attorney wrote up the letter with their wording. He then showed the areas of the change. He said the house was 16 feet, and now it is 20 feet, away from the wetland area. He also listed the following:

- 1) Changed the replication area;
- 2) Retaining wall was pulled back;
- 3) 14 foot trees planted along the edge;
- 4) Included dry well;
- 5) Incorporating nesting boxes;
- 6) No de-icing.

After much discussion, the Commission agreed to continue this meeting a month for Mr. Ostrosky to talk to D.E.P. before signing the letter to recuse the Commission on this project.

6. Correspondence

The meeting adjourned at 10:20 P.M.

Respectfully Submitted,

Annette W. Rebovich